James H Cunningham III
PLAINTIFF/PETITIONER/MOVANT'S NAME

V-72323
PRISON NUMBER

California Men's Colony state Prison
PLACE OF CONFINEMENT

P.O. Box 8101 (62) SAN Luis OBISPO Ca. 93409-8101
ADDRESS

2254 ___ ✓ 1983 ___
FILING FEE PAID
Yes ___ No ✓
IFP MOTION FILED
Yes ✓ No ___
COPIES SENT TO
Court ✓ ProSe ___

FILED
NOV 13 2007
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY [signature] DEPUTY

United States District Court
Southern District Of California

James Cunningham,
Plaintiff/Petitioner/Movant

v.

John Marshall (Warden CMC)
Defendant/Respondent

Civil No. '07 CV 2183 DMS RBB
(TO BE FILLED IN BY U.S. DISTRICT COURT CLERK)

MOTION AND DECLARATION UNDER PENALTY OF PERJURY IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS

I, James H. Cunningham,
declare that I am the Plaintiff/~~Petitioner~~/Movant in this case. In support of my request to proceed without prepayment of fees or security under 28 U.S.C. § 1915, I further declare I am unable to pay the fees of this proceeding or give security because of my poverty, and that I believe I am entitled to redress.

In further support of this application, I answer the following question under penalty of perjury:

1. Are you currently incarcerated? ☑ Yes ☐ No (If "No" go to question 2)
   If "Yes," state the place of your incarceration ______
   Are you employed at the institution? ☐ Yes ☑ No
   Do you receive any payment from the institution? ☐ Yes ☑ No
   [Have the institution fill out the Certificate portion of this affidavit and attach a certified copy of the trust account statement from the institution of your incarceration showing at least the last six months transactions.]

2. Are you currently employed? ☐ Yes ☑ No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer.

b. If the answer is "No" state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer. Automation General San Diego CA
9-12-04

3. In the past twelve months have you received any money from any of the following sources?:

a.	Business, profession or other self-employment	☐ Yes	☑ No
b.	Rent payments, royalties interest or dividends	☐ Yes	☑ No
c.	Pensions, annuities or life insurance	☐ Yes	☑ No
d.	Disability or workers compensation	☐ Yes	☑ No
e.	Social Security, disability or other welfare	☐ Yes	☑ No
e.	Gifts or inheritances	☐ Yes	☑ No
f.	Spousal or child support	☐ Yes	☑ No
g.	Any other sources	☐ Yes	☑ No

If the answer to any of the above is "Yes" describe each source and state the amount received and what you expect you will continue to receive each month. I had a one $40.00 from Son March, 2007

4. Do you have any checking account(s)? ☐ Yes ☑ No

a. Name(s) and address(es) of bank(s):

b. Present balance in account(s):

5. Do you have any savings/IRA/money market/CDS' separate from checking accounts? ☐ Yes ☑ No

a. Name(s) and address(es) of bank(s):

b. Present balance in account(s):

6. Do you own an automobile or other motor vehicle? ☐ Yes ☑ No

a. Make: Year: Model:

b. Is it financed? ☐ Yes ☐ No

c. If so, what is the amount owed? NONE Ø

7. Do you own any real estate, stocks, bonds, securities, other financial instruments, or other valuable property?
☐ Yes ☑ No
If "Yes" describe the property and state its value.

8. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support. NO ONE

9. List any other debts (current obligations, indicating amounts owed and to whom they are payable):
Child Support I don't Know the amount owed

10. List any other assets or items of value (specify real estate, gifts, trusts inheritances, government bonds, stocks, savings certificates, notes, jewelry, artwork, or any other assets [include any items of value held in someone else's name]): NONE

12. If you answered all of the items in #3 "No," and have not indicated any other assets or sources of income anywhere on this form, you must explain the sources of funds for your day-to-day expenses. I" am incarcerated in California Mens Colony State Prison P.O. Box 8101 San Luis Obispo, CA 93409-8101

I declare under penalty of perjury that the above information is true and correct and understand that a false statement herein may result in the dismissal of my claims.

11-2-07
DATE

[signature]
SIGNATURE OF APPLICANT

REPORT ID: T53030 .701 REPORT DATE: 11/07/07

PAGE NO: 1

CALIFORNIA DEPARTMENT OF CORRECTIONS
CALIFORNIA MENS COLONY
INMATE TRUST ACCOUNTING SYSTEM
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JUN. 01, 2007 THRU NOV. 07, 2007

ACCOUNT NUMBER : V72323 BED/CELL NUMBER: EFCQB6F200006267X
ACCOUNT NAME : CUNNINGHAM, JAMES HENRY ACCOUNT TYPE: I
PRIVILEGE GROUP: A

TRUST ACCOUNT ACTIVITY

<< NO ACCOUNT ACTIVITY FOR THIS PERIOD >>

CURRENT HOLDS IN EFFECT

DATE PLACED	HOLD CODE	DESCRIPTION	COMMENT	HOLD AMOUNT
04/25/2007	H106	UNITED PARCEL SERVICE HOLD	4635/H501	3.78
06/04/2007	H106	UNITED PARCEL SERVICE HOLD	5254/H517	1.00
06/08/2007	H106	UNITED PARCEL SERVICE HOLD	5339-501	3.07
10/23/2007	H118	LEGAL COPIES HOLD	1857/H516	4.80
11/06/2007	H118	LEGAL COPIES HOLD	2072/H516	51.00

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
0.00	0.00	0.00	0.00	63.65	0.00

CURRENT AVAILABLE BALANCE
63.65-

THE WITHIN INSTRUMENT IS A CORRECT COPY OF THE TRUST ACCOUNT MAINTAINED BY THIS OFFICE.
ATTEST:
CALIFORNIA DEPARTMENT OF CORRECTIONS
BY Carole O'Neal
TRUST OFFICE 11-7-07

REPORT ID: TS3030 .701 REPORT DATE: 11/07/07

CALIFORNIA DEPARTMENT OF CORRECTIONS
CALIFORNIA MENS COLONY
INMATE TRUST ACCOUNTING SYSTEM
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JUN. 01, 2007 THRU NOV. 07, 2007

TOTAL NUMBER OF STATEMENTS PRINTED: 1

TOTAL CURRENT BALANCE FOR ALL THE STATEMENTS: 0.00

California Department of Corrections

Verification of Inmate's Finances

The California Department of Corrections Staff Member whose signature appears below herein verifies that inmate JAMES HENRY CUNNINGHAM, whose signature also appears below has a total of $ Ø on deposit in his prison trust account and his average for the past 6 months has been $ Ø.

Staff Member Signature [signature] Dated 11-7-07

Staff Member Position Account Tech ID No 001

Inmate's Name -------- James H. Cunningham CDC No V-72323

Inmate's Signature -- [signature]